

## SECOND CONGRESS. SESS. I. CH. 33. 1792.

271

States, and for appropriating the same, took effect: *And provided also,* That such allowance shall not exceed the annual amount of seventy thousand dollars, until the same shall be further ascertained by law.

not to exceed  
\$70,000.

SEC. 17. *And be it further enacted,* That the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall extend to and be in full force for the collection of the several duties herein before mentioned and for the recovery and distribution of the penalties and forfeitures herein contained and generally for the execution of this act, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter, and thing therein contained were inserted in and re-enacted by this present act, subject only to the alterations hereby made.

Certain act in  
force for collec-  
tion of the du-  
ties, &c. herein.

APPROVED, May 8, 1792.

1791, ch. 15.

CHAP XXXIII.—*An Act more effectually to provide for the National Defence by establishing an Uniform Militia throughout the United States. (a)*

May 8, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled* That each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle and a quarter of a pound of powder; and shall appear, so armed, accoutred and provided, when called out to exercise, or into service, except, that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger and espontoon, and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for

Militia how  
and by whom  
to be enrolled.

How to be  
armed and ac-  
coutred.

1803, ch. 15.

(a) The acts for the establishment of an uniform system for the government of the militia, are: An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States, May 8, 1792, chap. 33; an act providing arms for the militia throughout the United States, July 6, 1798, chap. 65; an act in addition to an act entitled, "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," March 2, 1803, chap. 15; an act more effectually to provide for the organizing of the militia of the District of Columbia, March 3, 1803, chap. 20; an act establishing rules and articles for the government of the armies of the United States, April 10, 1806, chap. 20; an act in addition to the act entitled, "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and to repeal the act now in force for those purposes," April 18, 1814, chap. 82; an act concerning field officers of the militia, April 20, 1816, chap. 64; an act to establish an uniform mode of discipline and field exercise for the militia of the United States, May 12, 1820, chap. 97; an act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 13, sec. 14.

balls of the eighteenth-part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales, for debt or for the payment of taxes.

Executive officers, &c. exempted.

SEC. 2. *And be it further enacted*, That the Vice President of the United States; the officers judicial and executive of the government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers with their clerks; all post-officers, and stage drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective states, shall be, and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

1810, ch. 37,  
sec. 33.

Militia how to be arranged, and

SEC. 3. *And be it further enacted*, That within one year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions and companies, as the legislature of each state shall direct; and each division, brigade and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant-general's office in the state; and when in the field, or in service in the state, each division, brigade and regiment shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows: To each division, one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, with one brigade inspector, to serve also as brigade-major, with the rank of a major; to each regiment, one lieutenant-colonel commandant; and to each battalion one major; to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant and one quartermaster, to rank as lieutenants; one paymaster; one surgeon, and one surgeon's mate; one sergeant-major; one drum-major, and one fife-major.

1803, ch. 15,  
sec. 3.

Each battalion to have one company of grenadiers, &c. and one company of artillery.

Officers how to be armed.

Troops of horse how officered, &c.

Artillery and horse of whom to be formed;

SEC. 4. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there shall be formed for each battalion at least one company of grenadiers, light infantry or riflemen; and that to each division there shall be at least one company of artillery, and one troop of horse: there shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers to be armed with a sword or hanger, a fusee, bayonet and belt, with a cartridge-box to contain twelve cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses of at least fourteen hands and an half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bearskin-caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mailpillion and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch-box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the

## SECOND CONGRESS. SESS. I. CH. 33. 1792.

273

discretion of the commander-in-chief of the state, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

SEC. 5. *And be it further enacted*, That each battalion and regiment shall be provided with the state and regimental colours by the field officers, and each company with a drum and fife, or bugle-horn, by the commissioned officers of the company, in such manner as the legislature of the respective states shall direct.

SEC. 6. *And be it further enacted*, That there shall be an adjutant-general appointed in each state, whose duty it shall be to distribute all orders from the commander-in-chief of the state to the several corps; to attend all public reviews when the commander-in-chief of the state shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: all which the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith: from all which returns he shall make proper abstracts, and lay the same annually before the commander-in-chief of the state.

SEC. 7. *And be it further enacted*, That the rules of discipline, approved and established by Congress in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States, except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

SEC. 8. *And be it further enacted*, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment.

SEC. 9. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any state, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

SEC. 10. *And be it further enacted*, That it shall be the duty of the brigade-inspector to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manoeuvres, and introduce the system of military discipline before described throughout the brigade, agreeable to law, and such orders as they shall from time to time receive from the commander-in-chief of the state; to make returns to the adjutant-general of the state, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and every other thing which, in his judgment, may relate to their government and the

to be uniformly  
clad at their  
own expense.

1803, ch. 15.

What colors  
&c. and by  
whom to be fur-  
nished.

Adjutant-gen-  
eral in each  
state, his duty.

1803, ch. 15.

Rules of dis-  
cipline.

Officers how  
to take rank.

Provision in  
case of wounds,  
&c.

Brigade in-  
spector's duty.

1803, ch. 15.

general advancement of good order and military discipline; and the adjutant-general shall make a return of all the militia of the state to the commander-in-chief of the said state, and a duplicate of the same to the President of the United States.

Artillery &c.  
now existing,

And whereas sundry corps of artillery, cavalry, and infantry now exist in several of the said states, which by the laws, customs, or usages thereof have not been incorporated with, or subject to the general regulations of the militia:

to retain their  
privileges.

Sec. 11. *Be it further enacted*, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act, in like manner with the other militia.

APPROVED, May 8, 1792.

STATUTE I.

May 8, 1792.

CHAP. XXXIV.—*An Act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage.*

[Obsolete.]

Additional  
specific allow-  
ance from 1st of  
July next to cer-  
tain surveyors  
and collectors.

1790, ch. 35.  
sec. 53.

Act of March  
2, 1799, ch. 23.

SECTION 1. *Be it enacted by the Senate and House of Representa-  
tives of the United States of America in Congress assembled*, That from  
and after the last day of June next, in addition to the fees and emolu-  
ments which may accrue to the officers employed in the collection of the  
duties of impost and tonnage, by the provisions already made, they shall  
severally have and be entitled to the respective allowances following, to  
wit: The surveyors of Newburyport, Salem, St. Mary's and Wilmington, in  
North Carolina, the yearly sum of one hundred dollars each; the survey-  
ors of Beverly, North Kingston, East Greenwich, Warren, Bristol, Paw-  
catuck river, Providence, Patuxet, New Haven, Lewellensburg, Alexan-  
dria, Beaufort, Hertford, Winton, Bennet's creek, Plymouth, Windsor,  
Skewarkey, Murfreesborough, Nixonton, Indiantown, Currituck inlet,  
Pasquotank river bridge, and Newbiggen creek, the yearly sum of eighty  
dollars each; the surveyor of Portsmouth, the yearly sum of sixty dol-  
lars; the surveyors of Ipswich, Portland, Newport, Stonington, Middle-  
ton, Bermuda hundred, Petersburg, Richmond, and Savannah, the yearly  
sum of fifty dollars each; the surveyors of Gloucester, New London, and  
Swansborough, the yearly sum of thirty dollars each; the surveyors of  
Hudson, Little Egg Harbour, Suffolk, Smithfield, Urbanna, and Frede-  
ricksburg, the yearly sum of twenty dollars each; the collector of the dis-  
trict of Wilmington, in North Carolina, the yearly sum of one hundred  
and fifty dollars; the collectors of the districts of Portsmouth, Gloucester,  
Albany, Annapolis, Vienna, Nottingham, Yorktown, Dumfries, and Lou-  
isville, the yearly sum of one hundred dollars each; the collector of the  
district of Fairfield, the yearly sum of eighty dollars; the collectors of the  
districts of Marblehead, Plymouth, Barnstable, Nantucket, New Bedford,  
Dighton, York, Biddeford, and Pepperelborough, Bath, Wiscasset, Ma-  
chias, Newport, New Haven, Perth Amboy, Great Egg Harbour, Wil-  
mington, in Delaware, Chester, Cedar Point, Georgetown, Hampton,  
South Quay, Washington, Plank Bridge, and Georgetown, in South Ca-  
rolina, the yearly sum of fifty dollars each; the naval officer of the dis-  
trict of Portsmouth, the yearly sum of one hundred dollars; the naval  
officers of the districts of Newburyport, Newport, Providence, Wilming-  
ton, in North Carolina, and Savannah, the yearly sum of fifty dollars  
each; the collector of the district of Salem and Beverly, one fourth of  
one per centum on the amount of all monies by him received on account  
of the said duties; and to the collectors of the districts of Portsmouth,  
Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Edgartown,  
New Bedford, Dighton, York, Biddeford, and Pepperelborough, Port-  
land, Bath, Wiscasset, Penobscot, Frenchman's bay, Machias, Newport,  
Providence, New Haven, Fairfield, Perth Amboy, Burlington, Great Egg  
Harbour, Wilmington, in Delaware, Oxford, Vienna, Snowhill, Annapo-